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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,922	09/30/1999	RANDALL BAIRD	2705-70	6051

7590

11/06/2002

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EXAMINER

VOLPER, THOMAS E

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,922

Applicant(s)

BAIRD ET AL.

Examiner

Thomas Volper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/30/1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 18-22, 30, 32, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. Regarding claims 1, 3, 20-22 and 30, Sassin discloses a system for handling H.323 standard calls and routing them to a number of agent terminals, i.e. media endpoints. The calls may be received from a PSTN, the Internet, or a corporate intranet. The system includes a gateway (reference character 80 of the drawings), which functions as both a signaling gateway and a media gateway. The system also includes an automatic call distribution server (ACD) (reference character 52) that monitors the system components and routes, i.e. multiplexes, calls to available agents. The gateway and the ACD communicate via the H.323 standard by using H.225 and H.245 channels. This signaling communication opens up payload channels between the agent terminal and the gateway so that the customer and agent can start a conversation (col. 6, lines 31-36). The payload channels are equivalent to packet-switched bearer streams. These payload channels carry audio and video components of a call as in claims 18 and 19 (col. 4, lines 43-46). Claim 28 refers to means of a signaling gateway to terminate the bearer streams. These means are provided by the communication with the ACD to route the streams to termination at a media endpoint. Sassin discloses the limitation of claim 29 in which the ACD sends a command to the gateway (col. 5, lines 11-14). Regarding claim 4, the system

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of Sassin has means by which to issue a command from the ACD to an endpoint. One example Sassin discloses is transferring a call from an endpoint, in this case the music/video server, to an agent terminal. The ACD sends a transfer command via the CTI gateway of the invention to the endpoint that is currently receiving the call (col. 5, line 67 – col. 6, line 13). In regards to claim 7, Sassin discloses an agent client server, which is essentially a media proxy that acts on behalf of the agent terminal. Sassin discloses forwarding a call to the gateway if an agent terminal is not available, as in claim 8 (col. 5, lines 5-30). By forwarding the call to the gateway, in this case acting as a media gateway, the gateway is essentially an endpoint as in claim 10 of the present invention. The limitation of claim 11 is met by the invention of Sassin because the single gateway of the invention provides the functions of both a signaling gateway and media gateway as outlined in the present application. The limitation of claim 35 is met by combining the limitations of claims 10 and 11, which Sassin addresses. The system of Sassin discloses both a media gateway and media proxy, i.e. agent client server, as is claim 37. Sassin does not expressly disclose communicating signaling content over a number of sessions, specifically one according to claim 2, from the signaling gateway to the media gateway controller, or ACD in terms of Sassin. There is also no disclosure of multiple signaling gateways, as in claims 5 and 32, or a set of media gateway controllers as in claim 32. Sassin does not disclose that some bearer streams may be directed to one endpoint, and some others may be directed to another endpoint, as in claim 6. Sassin also does not expressly disclose all of the limitations of claim 8, or the limitation of claim 9. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to communicate via a session between the signaling gateway and ACD like the session opened between the ACD and CTI gateway mentioned by Sassin (col.

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4, lines 14-15). It would have also been obvious to use multiple signaling gateways and direct bearer streams to different endpoints at the same time in the packet-switched call control system of the invention. Regarding claim 8, a call on a bearer stream could first be directed toward an agent client server, or proxy, and then forwarded to the gateway as is mentioned in the disclosed material above. Furthermore, the format of the forwarded stream might have to be modified by the agent client server as in claim 9. One of ordinary skill in the art would have been motivated to use the session as a communication means because it is already in use within the system of Sassin. It would have been convenient to use this communication means between ACD and signaling gateway in addition to between the ACD and CTI gateway. One would also have been motivated to use multiple signaling gateways and a set of multiple media gateway controllers, or ACD's, in order handle more calls. The motivation is similar for routing the bearer streams to different endpoints in that more calls can be handled simultaneously. A bearer stream might be forwarded from a media proxy to a gateway if a related agent terminal becomes unavailable and the call needs to be redirected to a new destination at the gateway. The format of the stream might also need to be formatted differently if the new destination is using a different protocol.

3. Claims 12-16, 23-27, 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. as applied to claims 1-11, 18-22, 30, 32, 35 and 37 above, and further in view of Naudus. The system of Sassin teaches all of the limitations of claim 1, 20, 30, and 32. Sassin does not expressly disclose multiplexing outbound calls at the media gateway controller, or ACD, destined for various call signaling connections via the signaling gateway as in claims 12, 27 and 31. Sassin also does not disclose the use of TCP, UDP, RUDP or SCTP protocols to transport calls over the various signaling connections or over the session between

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the signaling gateway and ACD as in claims 13-16, 23-26, 36. Naudus discloses using both TCP and UDP to transport audio calls (col. 12, line 62 – col. 13, line 10). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to use the same steps from the teaching of Sassin in reverse in order to make an outgoing call from a media endpoint. It also would have been obvious to use TCP, UDP or any transport protocol including RUDP and SCTP for the call signaling connections. Furthermore, the same protocol used to terminate the call signaling connection could be used for the session between the signaling gateway and ACD. One of ordinary skill in the art would have been motivated to provide this outgoing call functionality to provide more services to a customer. One would have been motivated to use TCP, UDP or other protocol to offer the user a choice between a reliable or unreliable protocol based on the user's needs. The session would use the same protocol to reduce the complexity of the system since no conversion between protocols would be necessary at the signaling gateway.

4. Claim 17, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin as applied to claims 1-11, 18-22, 30, 32, 35 and 37 above, and further in view of Galasso et al. The system of Sassin teaches all of the limitations of claim 1 and 32. Sassin does not expressly disclose the use of a failover, or backup media gateway controller or a set of backup media gateway controllers. Galasso discloses a backup master gatekeeper in addition to a primary master gatekeeper that is maintained in an identical state to the primary master gatekeeper (col. 7, lines 12-26). The primary master gatekeeper is synonymous with the primary media controller of the present invention in that it provides control-signaling functionality for a gateway. The backup takes over control when the primary is in failure. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use

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either a backup master gatekeeper, or a failover media gateway controller in terms of the present invention, in the system taught by Sassin. It also would have been obvious to use a set of failover media gateway controllers. One of ordinary skill in the art would have motivated to do this in order to provide the system with greater reliability in the case of a hardware failure. In the case of a system where multiple media gateway controllers are used it would follow that a set of failover media gateway controllers would be necessary to guarantee the reliability of the system.

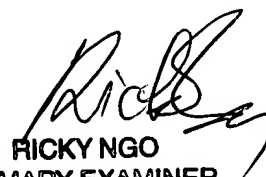
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Volper whose telephone number is 703-305-8405 and fax number is 703-872-9314. The examiner can normally be reached between 8:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached at 703-305-4717. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tev

October 23, 2002


RICKY NGO
PRIMARY EXAMINER